

June 30, 2005 Minutes of
Bigfork Land Use Advisory Committee

Members present: Clarice Ryan, Phil Hanson, John Bourquin, Scott Hollinger and Jack Paulson.

Chairman Hollinger called the meeting to order at 4:05 PM. Phil Hanson made a motion that the minutes of the February 24, 2005, April 28, 2005 and May 26, 2005 meetings be approved as mailed. John Bourquin seconded the motion. Motion passed unanimously.

Planning Office staff reported that Agenda Item #5, A Zone Change request by Thomas Peterson, M.D. and Maxine Johnson was pulled from the agenda because the application was improperly submitted.

Agenda Item #1:

Staff reported that there would be no staff reports on this item because no Growth Policy Amendments were being processed until a decision by the Flathead County Commissioners. That meeting will be held on July 5, 2005, at 8:30 AM at the Commissioner's hearing room. The committee decided to proceed with the public hearing on a request to amend the text of the Flathead County Growth Policy and the Bigfork Land Use Plan submitted by the Quarter Circle LA Ranches. Specifically the applicants wish to amend and include their document into the Growth Policy. The properties are located directly south of the Swan River and the village of Bigfork, and contain approximately 800 acres.

Applicant Doug Averill presented the plan concept. The Neighborhood Plan submitted would not change the density within the present zoning. The Plan dictates the theme of the plan area with a Western Pioneer Architecture theme, low overhang construction, low density, open areas and creates a view shield to the Bigfork Village area and Hwy 209. There are two road accesses from Hwy 209 into the area plus access on Hwy 35. Graphics were displayed to describe the plan. The plan would require cluster development, with extensive equestrian facilities and water-based recreation at the off-site Woods Bay Marina

Chairman Hollinger invited public comment. Comment as follows:

Paul Rand: Representing Woods Bay Sewer District asked about enforcement for Neighborhood Plans.

Kevin Barrows: Well thought out. Approves the plan and believes it to be an asset to the community.

Stan Fisher: Believes the plan to be an asset to the community and would contribute to downtown business.

George Darrow: Presented a document "Great Towns of the West" which notes Bigfork as "one of the hidden pleasures of the northern Rockies". He stated that the Averill family has been involved in Bigfork for over 60 years. He believes the plan to be of the highest class of development and in conformity with the Bigfork Village and an asset to the economy of the area.

Jerry Bygren: Supports the project. Noted the Averill family is respected in the community and this is an excellent spot for this type of development.

Tony Sagami: Asked if the Woods Bay Marina would be closed to the public. Would the community park be available to all? What did tent residences mean? How much of the development would be considered affordable housing? What was his definition of cabins?

Carol Venable: Supports the project. Has known the family for a long time and believes they have the best interest of the community at heart.

Mervin Randall: Lives in The Ranch Subdivision and is president of the water district that serves the subdivision. He stated that the subdivision has been cooperating with Averill and the engineers to work together in the water system costs and resource sharing. He approves the development and would like to see them as neighbors.

Andy Miller: Stated that this plan addresses issues that outside developers don't consider. Believes this is an excellent plan.

Jim Fagan: Noted that in areas such as Prescott and Sedona, Arizona, outside developers directly influenced the over crowding and demise of two beautiful quiet communities. He would support a developer who is local and understands the area.

Chris Moritz: Approves of the sight protection built into the plan. Believes the proposed plan fits the land like a glove.

Tony Sagami: Will there be stoplights on Hwy 35 for this new classification?

Ron Bunker: Stated he doesn't like the idea of development but if it is going to happen, this plan is about as good as you can get.

Edd Blackler: Believes it is to the community's advantage to deal with local developers. Averill has adjacent property and has a mind to preserve the environment of the area.

Justin Hafner: Stated he has faith and confidence in Doug Averill. Believes the proposed development will be tasteful.

There being no further public comment, Chairman Hollinger closed the public comment portion of the meeting. He asked the applicant to answer any questions or make rebuttal statements.

Applicant answered the following questions:

1. Woods Bay Marina had been acquired with the intention of taking pressure off the Flathead Lake Lodge's lake access. He does not want to overburden the present access. He noted that the Woods Bay Marina provides the only gas dock on the East shore and would be keeping the gas dock and store open to the public. The interior lagoon boat docks would be available to the public.
2. The park is still in the planning stages and would be available to all. Suggested that dogs would certainly be making use of it.
3. Cabins built on the project will be more traditional (graphic provided) without large areas of reflective glass.
4. Tents questions would include the traditional Flathead Lake Lodge chuck wagons and tents for cookouts.
5. Cost of the lots would be what the market would bear.
6. Does not envision stoplights on the Hwy 209 access roads. The project will be developed to minimize vehicle use and encourage the use of bike and walking paths. The Montana Highway Department determines the necessity of stoplights.
7. A Neighborhood Council would be set up to manage the plan and for enforcement of a neighborhood plan. A Neighborhood Plan adopted by the Flathead County Commissioners must conform to the plan guidelines.
8. Visitor Recreation Area (VRA) was a recommendation of the original Bigfork Land Use Plan.

Chairman Hollinger closed the comment portion and asked the committee for comments.

Jack Paulson: Stated it was a good job, good presentation.

Clarice Ryan: Like the idea that it would maintain views and the atmosphere of Bigfork. Approves of the plan.

John Bourquin: Stated he was sorry to hear of the hold on Growth Plan Amendments because the county has no manpower. He would encourage people to go to the July 5th meeting.

Clarice Ryan: Agreed with Bourquin's statement.

Scott Hollinger: Questioned if a VRA would be spot zoning. B. J. (staff) stated that he does not have a specific answer.

Phil Hanson made a motion to approve the Quarter Circle LA Ranches request to amend the text of the Flathead County Growth Policy and the Bigfork Land Use Plan. John Bourquin seconded the motion. Motion passed unanimously. This item is scheduled for July 20th, 2005 Planning Board meeting at 6:00 PM, Earl Bennett Building, 1035 First Avenue West, Kalispell.

Agenda Item #2:

Staff reported this item has been pulled from the agenda.

Agenda Item #3:

A Zone Change request in the Bigfork Zoning District by Jeff Boll and Gerald L. Parker Family Trust from AG-20 (Agricultural) to SAG-5 (Suburban Agricultural). The properties are located at 6785 and 6755 Highway 35 in Bigfork.

Staff reports that access to property is Parker Lakes Road, a private dirt road. The area is impacted by three lakes and low areas, which will significantly limit the density of any development. The proposed zone change will allow five-acre lots sizes on 54.66 acres. Property is located adjacent to similarly zoned property.

The applicant was represented by Sands Engineering and added no additional comments to staff report.

Chairman Hollinger opened the meeting to public comment.

Jim Fagan: What is the name of the lake on the property?

With no further public comment, Chairman Hollinger closed the meeting to public comment. Applicant stated that the name of the lake is Parker Lake.

Chairman Hollinger asked for questions from the committee:

Phil Hanson: No specific questions. Sounds like a reasonable request.

Clarice Ryan: It's an attractive area, looks like a good plan.

John Bourquin: Agreed with Ryan

Clarice Ryan made a motion to accept the application for a Zone Change as presented. Jack Paulson seconded the motion. Motion passed unanimously. This item is scheduled for the July 27, 2005 Planning Board meeting at 6:00 PM, Earl Bennett Building, 1035 First Avenue West, Kalispell.

Agenda Item #4:

A request by Lewis Family Trust for Preliminary Plat approval of McCaffery Woods Subdivision, a seven (7) lot single-family residential subdivision on approximately 32.72 acres located at 594 McCaffery Road in Bigfork.

Staff reports that all lots in the subdivision are proposed to have individual and multiple-user water systems, and individual sewer systems. The subdivision will have 7 lots with a 20-acre open space cluster.

Tom Lewis, representing the applicant, stated that the lots would be 9.02 acres with the remaining acreage consisting of roads, easements and open space. Open space is to be maintained by the Lewis Family Trust.

Chairman Hollinger opened the meeting to public comment.

Janie Wangerin: Will the main access be off McCaffery Road? She is concerned about maintenance of McCaffery Road and the density of the subdivision.

Carol Venable: Has there been a study by Fish Wildlife and Parks regarding the bear habitat?

Chairman Hollinger closed the meeting to public comment and invited applicant's response.

Tom Lewis stated that the main access to the subdivision would be McCaffery Road. The cluster density would be better for wildlife and provide open space. Staff stated that an application for subdivision cannot

be denied solely on the impact to wildlife. The planning staff does require conditions to mitigate the impact to wildlife.

Chairman Hollinger closed the meeting to public comment and invited the committee's questions.

John Bourquin: Stated he drove through the area and said it was nicely laid out.

Scott Hollinger: Asked how much density (lots) would be allowed. Staff stated that 9 lots would be the maximum but would not be compatible with the open space.

Phil Hanson: Stated he likes the cluster idea to minimize impact to deer and bear.

Clarice Ryan: Asked if it was assured that the open space cannot be built on later. Staff stated that the applicant would not be able to build in the open space.

John Bourquin made the motion that the Preliminary Plat approval of McCaffery Woods Subdivision be approved as presented. Phil Hanson seconded the motion. Motion passed unanimously. This item is scheduled for the July 27, 2005 Planning Board meeting at 6:00 PM, Earl Bennett Building, 1035 First Avenue West, Kalispell.

Chairman Hollinger called a 10-minute break before proceeding to Old Business.

Old Business:

Don Loranger presented a preliminary overview of the survey process to date. He reported that the tally process had been completed with 1,560 surveys recorded. To date, there are approximately 600 man-hours vested in the tally process, approximately 100 hours for data input. The Power Point presentation showed how graphing can be used as a tool for interpretation of the survey results. The presentation will be used in public meetings to facilitate the drafting of the Bigfork Neighborhood Plan Growth Policy.

New Business:

Jack Paulson presented documents relating to legal questions regarding conflicting authority between government regulatory agencies. His legal involvement required mandatory arbitration with the Flathead Conservation District, which practice has since been changed by Montana State law. He would like to approach the Flathead County Commissioners for clarification of jurisdictions and authorities of the government regulatory agencies.

Doug Averill suggested that each agency might define their jurisdiction and authority.

Scott Hollinger stated that some of the trouble seems to stem from taking something out as opposed to putting something in.

Jack Paulson made the motion that he makes a presentation to the Flathead Planning Board on the subject. Clarice Ryan seconded the motion. Motion passed unanimously.

Phil Hanson made a motion that the meeting be adjourned. Meeting was adjourned at 6:30 PM.

Sue Hanson
Secretary